

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SARAH STACEY,

Plaintiff,

-v-

1:09-CV-638

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

OFFICE OF PETER M. MARGOLIUS
7 Howard Street
Catskill, NY 12414

PETER M. MARGOLIUS, ESQ.

OFFICE OF GENERAL COUNSEL
Social Security Administration
Region II
26 Federal Plaza, Room 3904
New York, NY 10278

SIXTINA FERNANDEZ, ESQ.

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff Sarah Stacey filed this action in June 2009 seeking judicial review of a final decision of the Commissioner of Social Security which denied her application for disability insurance benefits. Review of this matter proceeded as if both parties had accompanied their briefs with a motion for judgment on the pleadings. By Report and Recommendation dated May 20, 2011, the Honorable Victor E. Bianchini, United States Magistrate Judge, recommended that the defendant's motion for judgment on the pleadings be granted; that

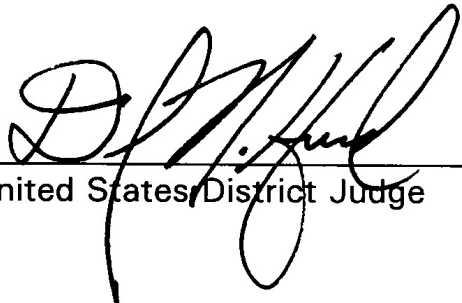
plaintiff's motion for judgment on the pleadings be denied; and that the plaintiff's complaint be dismissed in its entirety. No objections to the Report and Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report and Recommendation is accepted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that

1. The defendant's motion for judgment on the pleadings is GRANTED;
2. The plaintiff's motion for judgment on the pleadings is DENIED;
3. Plaintiff's complaint is DISMISSED in its entirety; and
4. The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.


United States District Judge

Dated: June 8, 2011
Utica, New York.